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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,606

09/27/2004

Henrik Hansson

HW-7319

2293

26294 7590 12/19/2006  
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EXAMINER

SHAFFER, RICHARD R

ART UNIT

PAPER NUMBER

3733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

NT

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,606	<b>Applicant(s)</b> HANSSON, HENRIK	
	<b>Examiner</b> Richard R. Shaffer	<b>Art Unit</b> 3733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Drawings***

The amended drawings filed on October 2<sup>nd</sup>, 2006 are acknowledged and accepted by the examiner. The corresponding objections are hereby withdrawn.

### ***Specification***

The amendment to the abstract and specification filed on October 2<sup>nd</sup>, 2006 is acknowledged and accepted by the examiner. The corresponding objections are hereby withdrawn.

### ***Claim Objections***

Claims 1 and 3-16 are still objected to for failing to clearly recite whether the sleeve and pin are positively claimed or not. In claims 1, it merely is recited functionally, but throughout the claims, applicant has claims directed solely to further limiting the functional components of the device. Either applicant must clearly recite the limitations of the sleeve and pin as components of the device or cancel dependent claims solely limiting non-positively claimed components. For examination purposes, the sleeve and pin will again not be considered as being positively recited with sole consideration directed towards the extraction device itself.

### ***Claim Rejections - 35 USC § 112***

The amendments to the claims filed on October 2<sup>nd</sup>, 2006 is acknowledged and accepted by the examiner. The corresponding rejection under 35 U.S.C. 112, second paragraph is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Purificato (US Patent 2,631,584).

Purificato discloses a device (**Figures 1-7**) comprising: an inner extraction member/rod (**18**); an outer extraction member (**13, 14** together) with a laterally directed handle (**14**); an extraction handle (**19**); the outer extraction member is manually holdable; the inner extraction member is insertable within the outer extraction member; the outer and inner extraction members are provided with rotary preventing members (inner threads of lateral handle **14** and outer threads of **18**, both at “rear” portions of each component); the rotary preventing members are not circular, but rather helix/spiral; the outer extraction member has an extraction limit (**16**); the inner member has inner threads to interact with a outer pin threads (**26**) at **23**; the extreme front end of 18 where it meets the knurled knob is tapered inward (relative to another portion, plus the extreme portion considered separate would not be a thread) and the extreme rear is tapered outward (relative to another portion, plus the extreme portion considered separate would not be a thread); the inner extraction member has a rear hole (30) and a front hole (where **26** is pointed, **Figure 5**); the device consists of only the three members supported by the definition of member from *The American Heritage® Dictionary of the*

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*English Language, Fourth Edition* stating a member is: A structural unit, such as a beam or wall, meaning the multiple components/elements/members can be associated with one of the three discussed due to their structural behavior.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purificato in view of Carter et al (US Patent Application Publication 2001/0056283).

Purificato discloses all of the claimed limitations except for the inner member having lateral holes at the portion with the inner threads. Carter et al teach (**Page 7, Paragraph 0135**) that ports are provided for cleaning the internal portion of a device when an opening already exposed to biological material exists. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further provide for lateral ports to facilitate cleaning and sterilization.

***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-16 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, a new interpretation has been utilized allowing for the outer member to define a through hole in which the inner member would pass through and attach.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard R. Shaffer whose telephone number is 571-272-8683. The examiner can normally be reached on Monday-Friday (7am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard Shaffer  
December 8<sup>th</sup>, 2006



EDUARDO C. ROBERT  
SUPERVISORY PATENT EXAMINER